

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDIPED INFANT FOOTWEAR LLC,

Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a
JACK AND LILY and ROB BUELL

Defendants.

CASE NO. 08 CIV 3572 (LTS)

DECLARATION OF JINAE KANG

I, Jinae Kang, declare as follows:

1. I am the owner of Erika's Closet, a retail store located at 1464 Hyde Street, San Francisco, California, and online at <babyerikas.com>. Erika's Closet sells a variety of products for babies and toddlers, including footwear. I am a mother of two, and have been in the business for five years. I have personal knowledge of the matters stated herein and, if called as a witness, I could and would competently testify to the following matters.

2. Erika's Closet sells pediped soft-soled footwear. I chose to carry pediped's line of soft-soled footwear because I like the style of pediped's shoes and because the shoes are of a good quality.

3. Pediped soft-soled shoes are fashionable and are designed to look elegant, not childish like other brands of children's footwear. The look of pediped shoes is definitely different and unique compared to other brands in the industry. The stitching on pediped's soft-soled shoes is new in the industry and the shoes have a roomy look.

4. The packaging for pediped shoes is also unique compared to other brands. Pediped packaging has a clear window and a handle -- kids love to keep the packaging and carry it around like a purse. The quality is also very good, unlike other brands that use paper boxes. I buy pediped shoes for shower gifts in part because of the look and quality of the packaging. I can tell that pediped spent a lot of money on their packaging.

5. I strongly recommend pediped's soft-soled shoes to my customers.

6. My customers love pediped's soft-soled shoes. When my customers see pediped's shoes for the first time, they say "wow" because they love the unique design of the shoes. My customer then discover that pediped shoes are also high quality, so they keep coming back for more. I have many repeat pediped customers.

7. Other brands watch pediped closely.

8. I do not sell Jack & Lily shoes, but I know that Jack & Lily launched a new line of soft-soled shoes. I looked at the shoes -- they look like fake pediped shoes. Jack & Lily copied everything, including about 80% of the shoes in pediped's line.

9. I showed Jack & Lily's new line of shoes to my friends, and they said that the shoes look like pediped's shoes.

10. I believe that customers may buy Jack & Lily's shoes because they think they are pediped shoes. This could hurt my business in the future because the shoes appear to be of a lower quality.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 5/31/08

By: Jin Ae Kang 